

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

DENTON COUNTY ELECTRIC COOPERATIVE, INC.
D/B/A COSERV ELECTRIC

and

Case 16–CA–149330

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 220,
AFFILIATED WITH INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS

NOTICE TO SHOW CAUSE

On June 28, 2016, Administrative Law Judge Robert A. Ringler issued a decision in this case. The Respondent filed exceptions and a supporting brief, the General Counsel filed an answering brief, and the Respondent filed a reply brief. Additionally, the General Counsel filed cross-exceptions and a supporting brief, the Respondent filed an answering brief, and the General Counsel filed a reply brief.

On June 12, 2018, the Board issued a Decision and Order, severing and retaining for further consideration certain complaint paragraphs.¹ The severed complaint paragraphs allege that several rules in the Respondent’s employee handbook violate Section 8(a)(1) of the National Labor Relations Act (Act) based on the prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), that held an employer’s maintenance of a facially neutral work rule would be unlawful “if employees would reasonably construe the language to prohibit Section 7 activity.” *Id.* at 647. Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14–17 (2017).

¹ 366 NLRB No. 103. The Board ruled on the other complaint allegations that were before it on exceptions.

Accordingly, the Board hereby issues the following notice to show cause why the severed complaint allegations should not be remanded to the judge for further proceedings in light of *Boeing*, including, if necessary, the filing of statements, reopening the record, and issuance of a supplemental decision.

NOTICE IS GIVEN that any party seeking to show cause why this case should not be remanded to the administrative law judge must do so in writing, filed with the Board in Washington, D.C., on or before October 19, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 5, 2018.

By direction of the Board:

/s/ Farah Z. Qureshi

Associate Executive Secretary